

HURRELL CANTRALL LLP  
725 S. FIGUEROA STREET, SUITE 3800  
LOS ANGELES, CALIFORNIA 90017  
TELEPHONE (213) 426-2000

1 Thomas C. Hurrell, State Bar No. 119876  
E-Mail: [thurrell@hurrellcantrall.com](mailto:thurrell@hurrellcantrall.com)  
2 Christina Gasparian, State Bar No. 322621  
E-Mail: [cgasparian@hurrellcantrall.com](mailto:cgasparian@hurrellcantrall.com)  
3 Janet J. Hur, State Bar No. 330358  
E-Mail: [jhur@hurrellcantrall.com](mailto:jhur@hurrellcantrall.com)  
4 HURRELL CANTRALL LLP  
725 S. Figueroa Street, Suite 3800  
5 Los Angeles, California 90017  
Telephone: (213) 426-2000  
6 Facsimile: (213) 426-2020

7 Attorneys for Defendant, COUNTY OF LOS ANGELES

8  
9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
11

12 MELBA ORTEGA,  
13 Plaintiff,

14 v.

15 COUNTY OF LOS ANGELES, a  
municipal entity; KONRAD THIEME,  
16 an individual, DOES 1-10, inclusive,  
17 Defendants.

Federal Case No.  
State Case No. 24STCV01094

**DEFENDANT COUNTY OF LOS  
ANGELES' NOTICE OF  
REMOVAL AND REMOVAL OF  
ACTION UNDER 28 U.S.C.  
SECTION 1441(A) AND (C)  
(FEDERAL QUESTION  
JURISDICTION)**

[State Action Assigned to Hon. Alison  
Mackenzie Department 55]

Action Filed: 01/16/24  
FAC Filed: 04/02/24  
Trial Date: None

**[Filed Concurrently with Declaration  
of Janet J. Hur, Notice of Interested  
Parties, Notice of Removal Certificate  
of Service and Removal Civil Cover  
Sheet CV-711]**

24 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**  
25

26 **PLEASE TAKE NOTICE** that Defendant COUNTY OF LOS ANGELES  
27 ("COLA") (hereinafter, "Defendant"), hereby removes this action from the Superior  
28 Court of the County of Los Angeles, Central District to the United States Court,

Central District of California. Defendant effects this removal pursuant to 28 U.S.C. sections 1441 and 1446 on the following factual basis:

### **I. BACKGROUND**

On January 16, 2024, Plaintiff Melba Ortega (hereinafter, "Plaintiff") commenced the above-titled action in Los Angeles Superior Court (Case No. 24STCV01094). On April 2, 2024, Plaintiff filed her First Amended Complaint. Attached as **Exhibit "A"** to the Declaration of Janet J. Hur ("Hur Decl.") is Plaintiff's First Amended Complaint (hereinafter, "FAC"). *See* Hur Decl. ¶ 3. On April 8, 2024, Plaintiff served the County of Los Angeles who is represented by Hurrell Cantrall, LLP. Attached as **Exhibit "B"**; *See* Hur Decl. ¶ 8. Plaintiff named as Defendants in her FAC: (1) Defendant, (2) Defendant Konrad Thieme and (3) DOES 1-10 (hereinafter "Defendants"), alleging four causes of action against all Defendants for (1) Violations of California Government Code section 11135; (2) Deprivation of Civil Rights Under Civil Code section 52.1; (3) Deprivation of Civil Rights Under Civil Code section 51.7; and (4) Violations of the American Disabilities Act, Title II/Deprivation of Civil Rights Under 42 U.S.C. sections 12131-12165. *See* Hur Decl. ¶4. Plaintiff's Complaint and FAC are the only pleadings that have been filed in this action. Defendants have not made an appearance in this action in Los Angeles Superior Court. *See* Hur Decl. ¶5.

### **II. REMOVAL IS PROPER BECAUSE PLAINTIFF'S FAC ALLEGES CAUSES OF ACTION THAT FALL UNDER FEDERAL QUESTION JURISDICTION.**

Defendants may remove "any civil action brought in state court of which the district courts of the United States have original jurisdiction . . . to the district court of the United States . . . where such action is pending." 28 U.S.C. section 1441(a). Under the "well-pleaded complaint" rule, for a state-law claim to create federal-question jurisdiction, a federal question must appear on the face of the plaintiff's complaint. *Caterpillar Inc. Williams*, 482 U.S. 386, 392, 107 S. Ct. 2425, 96 L.Ed.2d

1 318 (1987). The notice of removal of a civil action or proceeding shall be filed within  
2 30 days after the receipt by the defendant, through service or otherwise, of a copy of  
3 the initial pleading setting forth the claim for relief upon which such action or  
4 proceeding is based, or *within 30 days after the service of summons upon the*  
5 *defendant* if such initial pleading has then been filed in court and is not required to be  
6 served on the defendant, whichever period is shorter. 28 U.S.C. section 1446.  
7 Although the right to remove generally requires the joinder of all served defendants,  
8 the time to remove is measured for each defendant individually. Each defendant shall  
9 have 30 days after receipt by or service on that defendant by which to file the notice  
10 of removal. 28 U.S.C. section 1446(b)(2)(B).

11 Here, among the four causes of action alleged in Plaintiff's FAC, Plaintiff's  
12 fourth cause of action alleges Violations of the American Disabilities Act under Title  
13 II depriving Plaintiff of her civil rights under 42 U.S.C. sections 12131-12165.  
14 Plaintiff specifically alleges in her FAC that, "under section 12131-12165 of the  
15 United States Code and the ADA, the County and Individual Defendants are liable for  
16 subjecting Plaintiff to conduct that occurred under color of state law and this conduct  
17 deprived Plaintiff of her rights, privileges, or immunities guaranteed under the 4<sup>th</sup>, 5<sup>th</sup>  
18 and 14<sup>th</sup> Amendments of the Constitution of the United States of America". *See*  
19 Exhibit A ¶ 69. Plaintiff's fourth cause of action arises from alleged violations of her  
20 civil rights including principles articulated in *Monell v. Dept. of Soc. Svcs.*, 436 U.S.  
21 658 (1978). *See* Exhibit "A". Thus, this is a federal civil rights action over which this  
22 Court has original jurisdiction as to all Defendants.

23 Further, Defendants COLA and Konrad Thieme are the only named Defendants  
24 in this action. It is Defendant's belief that Defendant Konrad Thieme has not been  
25 served with the Summons and FAC. *See* Hur Decl. ¶ 6. Should Defendant Konrad  
26 Thieme be served properly with the summons and FAC, Defendant will meet and  
27 confer with Defendant Konrad Thieme's counsel regarding filing a removal of the  
28 action. *See* Hur Decl. ¶7.

1 Presently, Defendant COLA is the only Defendant that was served with  
2 Plaintiff's FAC. Defendant COLA was served on April 8, 2024. Attached as **Exhibit**  
3 **"B"** to Hur Decl. is the summons. *See* Hur Decl. ¶ 8. Thirty days from April 8, 2024  
4 is May 8, 2024. This Notice of Removal is timely filed on May 6, 2024 with this  
5 Court. *See* Hur Decl. ¶9. Thus, Defendant COLA, the only Defendant who has been  
6 served, removes this action. *See* Hur Decl. ¶ 10.

7 **III. REMOVAL IS PROPER BECAUSE THIS COURT HAS**  
8 **SUPPLEMENTAL JURISDICTION.**

9 When an action originally filed in state court is removed to federal court, the  
10 federal tribunal has jurisdiction to determine not only the federal claims, but all  
11 pendent state claims which derive "from a common nucleus of operative fact." *United*  
12 *Mine Workers v. Gibbs*, 383 US 715, 725 (1966); *see also* 28 U.S.C. sections 1367(a)  
13 and 1441(c).

14 Here, this action is properly removed to this Court based on federal question  
15 jurisdiction because the Court has original jurisdiction of at least some of Plaintiff's  
16 causes of action under 28 U.S.C. Section 1331 and supplemental jurisdiction over the  
17 remaining causes of action under 28 U.S.C. Section 1367. In addition to Plaintiff's  
18 fourth cause of action that clearly fall under this Court's original jurisdiction, Plaintiff  
19 also asserts state law causes of action for (1) deprivation of civil rights under  
20 California Civil Code section 52.1, (2) deprivation of civil rights under California  
21 Civil Code section 51.7 and (3) violations of California Government Code section  
22 11135. *See* Exhibit "A." All of Plaintiff's state law claims derive from the same  
23 operative facts as those of the federal claim, namely the alleged violation of Plaintiff's  
24 civil rights when she was allegedly wrongfully detailed, searched, and arrested on  
25 January 16, 2021. Therefore, this Court can exercise supplemental jurisdiction over  
26 Plaintiff's state law causes of action.

27 This Notice of Removal is being filed in this Court as well as in the Los Angeles  
28 Superior Court, where Plaintiff elected to file initially. *See* Hur Decl. ¶11.

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2 **IV. CONCLUSION**

3 Based on the above-cited authorities, this case has been properly removed to  
4 the Federal District Court.

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6 DATED: May 3, 2024

HURRELL CANTRALL LLP

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By: /s/ Janet J. Hur

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THOMAS C. HURRELL

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CHRISTINA GASPARIAN

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JANET J. HUR

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Attorneys for Defendant, COUNTY OF  
LOS ANGELES

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**DECLARATION OF JANET J. HUR**

I, Janet J. Hur, declare:

1. I am an attorney duly licensed to practice before this Court and am an associate attorney with Hurrell Cantrall LLP, attorneys of record for Defendant COUNTY OF LOS ANGELES ("COLA" or "Defendant").

2. I make this declaration in support of Defendant's Notice of Removal.

3. On January 16, 2024, Plaintiff Melba Ortega (hereinafter, "Plaintiff") commenced the above-titled action in Los Angeles Superior Court (Case No. 24STCV01094). On April 2, 2024, Plaintiff filed her First Amended Complaint. Attached hereto as **Exhibit "A"** is a true and correct courtesy copy of Plaintiff's conformed FAC.

4. Plaintiff named as Defendants in her FAC: (1) Defendant, (2) Defendant Konrad Thieme and (3) DOES 1-10 (hereinafter "Defendants"), alleging four causes of action against all Defendants for (1) Violations of California Government Code section 11135; (2) Deprivation of Civil Rights Under Civil Code section 52.1; (3) Deprivation of Civil Rights Under Civil Code section 51.7; and (4) Violations of the American Disabilities Act, Title II/Deprivation of Civil Rights Under 42 U.S.C. sections 12131-12165.

5. Plaintiff's Complaint and FAC are the only pleadings that have been filed in this action. Defendants have not made an appearance in this action in Los Angeles Superior Court.

6. Defendants COLA and Konrad Thieme are the only named Defendants in this action. To Defendant's knowledge, Defendant Konrad Thieme has not been served with the Summons and FAC.

7. Should Defendant Konrad Thieme be served properly with the summons and FAC, Defendant COLA will meet and confer with Defendant Konrad Thieme's counsel regarding Defendant Konrad Thieme joining this removed case.

8. Defendant COLA is the only Defendant that was served with the

1 Summons and FAC on April 8, 2024. Attached as **Exhibit "B"** is a true and correct  
2 courtesy copy of the Summons as to Defendant COUNTY OF LOS ANGELES.

3 9. Thirty days from April 8, 2024 is May 8, 2024. This Notice of Removal  
4 is timely filed on May 6, 2024 with this Court.

5 10. Presently, the only Defendant who has been served with a summons and  
6 FAC removes this action.

7 11. This Notice of Removal is being filed in this Court as well as in the Los  
8 Angeles Superior Court, where Plaintiff elected to file initially.

9  
10 I declare under penalty of perjury under the laws of the United States of  
11 America that the foregoing is true and correct.

12  
13 Executed on May 3, 2024, at Los Angeles, California.

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15  
16 /s/ Janet J. Hur  
JANET J. HUR